

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.04 L, Closed Area No. 39, Blue Hill Harbor, promulgated on March 8, 2000, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.04 L, Closed Area No. 39, Blue Hill Harbor.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Blue Hill Harbor and vicinity, shoreward (northerly) of a line that begins at the westernmost tip of Sculpin Point (on the north shore of Blue Hill Harbor) and runs in a westerly direction to the eastern most tip of Parker Point.
2. In case of malfunction of the Blue Hill Wastewater Treatment Plant, the area that lies inside and northwest of a line beginning at the southernmost tip of Woods Point in the town of Blue Hill; extending southwest to the easternmost tip of an unnamed point, 675 yards due south of Holden Point, will be closed to the harvest of shellfish. This unnamed point forms the southern shore of the cove into which Bragdon Brook empties.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: December 21, 2001

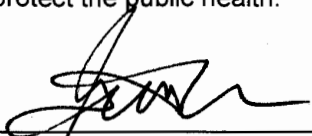
AGENCY CONTACT PERSON: Amy M. Fitzpatrick
Department of Marine Resources
Mckown Point Road
West Boothbay Harbor, Maine 04575

ELLSWORTH AMERICAN
December 27, 2001

STATEMENT OF FACT AND POLICY

As authorized by 12 M.R.S.A. Sections 6172 and 6192, the Commissioner of the Maine Department of Marine Resources repeals emergency DMR Regulation 95.04 L, Closed Area No. 39, Blue Hill Harbor, promulgated on March 8, 2001, and enacts a new regulation. This new regulation reduces the size of the Blue Hill Harbor closure.

Department personnel have confirmed the removal of licensed overboard discharges in a shoreline survey and sampled the area and have determined that the opened area can be harvested without threat to the public health. It has been determined that the remaining closed area is subject to intermittent microbiological pollution and will remain closed to protect the public health.


GILBERT M. BILODEAU, Administrative Officer for
George Lapointe, Commissioner as authorized by 12
MRSA Section 6023



Department of Marine Resources

Legal Notice of Shellfish Closure Area C39, Blue Hill Harbor. 12/21/01

